

§ 154.1220

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the following factors, and any other relevant factors, before changing the classification of a facility:

- (1) The type and quantity of oils handled.
- (2) The spill history of the facility.
- (3) The age of the facility.
- (4) The public and commercial water supply intakes near the facility.
- (5) The navigable waters near the facility. *Navigable waters* is defined in 33 CFR part 2.36.
- (6) The fish, wildlife, and sensitive environments near the facility.

[USCG–1999–5149, 65 FR 40825, June 30, 2000, as amended by USCG–2008–0179, 73 FR 35014, June 19, 2008]

§ 154.1220 Response plan submission requirements.

(a) The owner or operator of an MTR facility identified in § 154.1216 as a substantial harm facility, shall prepare and submit to the cognizant COTP a response plan that complies with this subpart and all sections of subpart F of this part, as appropriate, except §§ 154.1015, 154.1016, 154.1017, 154.1028, 154.1045 and 154.1047.

(b) The owner or operator of an MTR facility classified by the COTP under § 154.1216(b) as a significant and substantial harm facility, shall prepare and submit for review and approval of the cognizant COTP a response plan that complies with this subpart and all sections of subpart F of this part, as appropriate, except §§ 154.1015, 154.1016, 154.1017, 154.1028, 154.1045 and 154.1047.

(c) In addition to the requirements in paragraph (a) of this section, the response plan for a mobile MTR facility must meet the requirements of § 154.1041 subpart F.

[USCG–1999–5149, 65 FR 40825, June 30, 2000]

§ 154.1225 Specific response plan development and evaluation criteria and other requirements for fixed facilities that handle, store, or transport animal fats or vegetable oils.

(a) The owner or operator of a fixed facility that handles, stores, or transports animal fats or vegetable oils must include information in the response plan that identifies—

- (1) The procedures and strategies for responding to a worst case discharge and to an average most probable dis-

charge of an animal fat or vegetable oil to the maximum extent practicable; and

- (2) Sources of the equipment and supplies necessary to locate, recover, and mitigate such a discharge.

(b) The owner or operator of a fixed facility must ensure the equipment listed in the response plan will operate in the geographic area(s) where the facility operates. To determine if the equipment will operate, the owner or operator must—

- (1) Use the criteria in Table 1 and Section 2 of appendix C of this part; and

(2) Consider the limitations in the area contingency plan for the COTP zone where the facility is located, including

- (i) Ice conditions;
- (ii) Debris;
- (iii) Temperature ranges; and
- (iv) Weather-related visibility.

(c) The owner or operator of a facility that handles, stores, or transports animal fats or vegetable oils must name the personnel and list the equipment, including those that are specified in § 154.1240, that are available by contract or by a method described in § 154.1228(a). The owner or operator is not required, but may at their option, refer to the tables in Environmental Protection Agency regulations, 40 CFR 112, Appendix E, Section 10.0, Tables 6 and 7, to determine necessary response resources.

(d) The owner or operator of a facility that handles, stores, or transports animal fats or vegetable oils must ensure that the response resources in paragraph (c) of this section are able to effectively respond to an incident within the amount of time indicated in the following table, unless otherwise specified in § 154.1240:

	Tier 1 (hrs.)	Tier 2	Tier 3
Higher volume port area.	6	N/A	N/A.
Great Lakes	12	N/A	N/A.
All other river and canal, inland, near-shore, and offshore areas.	12	N/A	N/A.

(e) The owner or operator of a facility that handles, stores, or transports animal fats or vegetable oils must—